

**Virginia State Corporation Commission
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151010204

Case Number (if already assigned)	PUR-2019-00094
Case Name (if known)	Application of Virginia Electric and Power Company For approval of a 100 percent renewable energy tariff, designated Rider TRG, Pursuant to §§ 56-577 A 5 and 56-234 of the Code of Virginia
Document Type	EXMO
Document Description Summary	Virginia Electric and Power Company's Motion for Modification of Procedural Order and Expedited Consideration and Motion to Certify
Total Number of Pages	9
Submission ID	17490
eFiling Date Stamp	10/8/2019 4:06:07PM

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October 8, 2019

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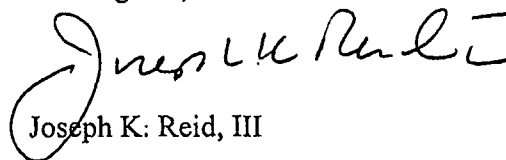
*Application of Virginia Electric and Power Company
For approval of a 100 percent renewable energy tariff, designated Rider TRG,
Pursuant to §§ 56-577 A 5 and 56-234 of the Code of Virginia
Case No. PUR-2019-00094*

Dear Mr. Peck:

Enclosed for electronic filing in the above-captioned proceeding, please find *Virginia Electric and Power Company's Motion for Modification of Procedural Order and Expedited Consideration and Motion to Certify*.

Please do not hesitate to contact me if you have any questions.

Best regards,


Joseph K. Reid, III

enc.

cc: The Honorable Mary B. Adams, Hearing Examiner
Paul E. Pfeffer, Esq.
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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

APPLICATION OF)	
)	
VIRGINIA ELECTRIC AND POWER COMPANY)	
)	Case No. PUR-2019-00094
For approval of 100 percent renewable energy tariff,)	
designated Rider TRG, pursuant to §§ 56-577 A 5)	
and 56-234 of the Code of Virginia)	

**VIRGINIA ELECTRIC AND POWER COMPANY'S
MOTION FOR MODIFICATION OF PROCEDURAL ORDER
AND EXPEDITED CONSIDERATION AND MOTION TO CERTIFY**

Virginia Electric and Power Company ("Dominion Energy Virginia" or the "Company"), by counsel, hereby moves the State Corporation Commission of Virginia (the "Commission") for a modification to the Order for Notice and Hearing dated June 20, 2019 (the "Procedural Order") and for expedited consideration pursuant to Rule 110 of the Commission's Rules of Practice and Procedure ("Procedural Rules"), 5 VAC 5-20-110 ("Motion to Modify"). Specifically, for purposes of judicial economy and in furtherance of the public interest, the Company moves the Commission for an order modifying Ordering Paragraph (2) of the Procedural Order appointing a Hearing Examiner to conduct all further proceedings in this matter on behalf of the Commission, such that the November 21, 2019, hearing will be before the Commission instead of the Hearing Examiner. Due to the impending hearing date, the Company requests expedited consideration of this matter.

Pursuant to Rule 120 A of the Procedural Rules, 5 VAC 5-20-120, once the Commission has assigned a matter pending before it to a hearing examiner, "[u]nless otherwise ordered, the hearing examiner shall conduct all further proceedings in the matter on behalf of the commission in accordance with these rules." (emphasis added). Therefore, the Company also respectfully

requests and moves, pursuant to Rules 110 and 120 B of the Procedural Rules, 5 VAC 5-20-110 and -120 B, for the Honorable Hearing Examiner to certify the foregoing Motion to Modify to the Commission for its expedited consideration and resolution ("Motion to Certify" and collectively, the "Motions"). In support of these Motions, the Company states as follows:

1. On May 31, 2019, the Company filed its application for approval of a 100 percent renewable energy tariff, designated Rider TRG, whereby participating customers can voluntarily elect to purchase 100 percent of their energy and capacity needs sourced from renewable energy resources ("Application"). To better meet the needs and interests of its customers desiring renewable energy and to facilitate the availability of 100 percent renewable energy for its retail customers in an expeditious manner, the Company respectfully requested approval of its Application no more than six months from the date of the filing.

2. On June 20, 2019, the Commission issued the Procedural Order in this proceeding that, among other things, appointed a Hearing Examiner to conduct all further proceedings in this matter on behalf of the Commission, and to file a final report containing the Hearing Examiner's findings and recommendations.

3. Pursuant to Ordering Paragraph (3) of the Procedural Order, a public hearing on the Application is scheduled for November 21, 2019, at 10:00 a.m. to receive testimony of public witnesses, the evidence of the Company, any respondents, and the Staff.

4. Following entry of the Procedural Order, the Commission issued its Final Order on the Company's Petitions for Declaratory Judgment in Case Nos. PUR-2019-00117 and PUR-2019-00118 ("Declaratory Judgment Order"),¹ in which the Commission addressed 100%

¹ *Petition of Virginia Electric and Power Company For a declaratory judgment*, Case Nos. PUR-2019-00117 and PUR-2019-00118, Final Order (Sept. 18, 2019).

renewable energy requirements under § 56-577 A 5 of the Code of Virginia (“Subsection A 5”).²

5. By this Motion to Modify, the Company respectfully requests that the Commission modify Ordering Paragraph (2) of the Procedural Order to provide that the public hearing will be before the Commission instead of the Hearing Examiner. Not only does judicial economy support this request, but granting the requested relief also will further public interest. Although the Hearing Examiner process, with a report and recommendations followed by comments, is appropriate and helpful in many contexts, here, there are efficiencies for the Commission and the parties having the Commission receive the evidence directly.

6. This modification will eliminate the need for additional time for a Hearing Examiner’s report to be issued, and for Staff and the parties to have an opportunity to file comments thereto, and thereby expedite consideration of this Application by the Commission.

7. The Commission is well-versed and familiar with the factual and legal issues raised in this matter as it has recently approved a similar application for a 100% renewable energy tariff filed by Appalachian Power Company.³ As set out in the Company’s Application here, there are similar facts and evidence in this case.⁴ Moreover, the Commission recently presided over hearings concerning 100% renewable energy requirements under Subsection A 5 and related legal issues, and reached determinations in the Declaratory Judgment Order. The Commission has given the utilities, Commission Staff, and the parties, guidance through its expansive discussion and decision set forth in the Declaratory Judgment Order and is already well-versed on the facts and applicable law. In short, there are fewer issues that should be in

² The Company does not intend to seek reconsideration of or appeal the Declaratory Judgment Order.

³ See *Application of Appalachian Power Company For Approval of an 100% renewable energy rider pursuant to § 56-577 A 5 of the Code of Virginia*, Case No. PUR-2017-00179, Order Approving Tariff (Jan. 7, 2019).

⁴ See, e. g., Application at 5, 8, 10 (explaining that the Company modeled proposed Rider TRG after Appalachian Power Company’s Commission-approved tariff for 100% renewable energy designated Rider WWS).

controversy at this point.

8. The Motion to Modify is not seeking to modify the date and time of the public hearing, or any of the deadlines for filing public comments or testimony by respondents and Staff. Accordingly, public witnesses, respondents, and Staff will not be prejudiced by the relief requested.

9. Rather, it is in the public interest to have a more expedited decision in this matter than the Hearing Examiner process allows. The Company is not in any way pre-judging the outcome of this case. However, in light of the Declaratory Judgment Order, growing customer demand for renewable offerings, and ongoing public debate on issues regarding retail access in Virginia, establishing whether there is an approved Company-offered tariff for 100% renewable energy, is beneficial to the Company's customers, the Company, the CSPs, and the Commonwealth generally.

10. The Commission also has noted the risk of harm to the Company's remaining customers as the result of shopping customers leaving the system.⁵ The Commission's decision in this matter will have an impact on that prospect, one way or the other. While not advocating for a particular result on the relief requested in the Application in this Motion to Modify, the Company believes if there is a procedural opportunity for the Commission to render a final determination in a more expeditious manner without prejudice to any party, taking advantage of such an opportunity would further the public interest. Therefore, good cause exists to consider and rule on the Company's pending Application for approval of Rider TRG in an expedited

⁵ See *Petition of Wal-Mart Stores East, LP and Sam's East, Inc., For permission to aggregate or combine demands of two or more individual nonresidential retail customers of electric energy pursuant to § 56-577 A 4 of the Code of Virginia*, Case No. PUR-2017-00173, Final Order at (Feb. 25, 2019) (denying request to aggregate under Va. Code § 56-577 A 4 on the basis that remaining customers will be adversely affected in a manner contrary to the public interest); see also *Application of Virginia Electric and Power Company For the determination of the fair rate of return on common equity pursuant to §56-585.1:1 C of the Code of Virginia*, PUR-2019-0050, Hearing Tr. at 230-35 (Sept. 10, 2019).

manner, as requested herein.

MOTION TO CERTIFY

11. Ordering Paragraph (2) of the Procedural Order appointed the Hearing Examiner to conduct all further proceedings in this matter as provide by Va. Code § 12.1-31 of the Code and Rule 120. Pursuant to Rule 120 A of the Procedural Rules, 5 VAC 5-20-120, once the Commission has assigned a matter pending before it to a hearing examiner, “[u]nless otherwise ordered, the hearing examiner shall conduct all further proceedings in the matter on behalf of the commission in accordance with these rules.” (emphasis added).

12. In Commission proceedings before a Hearing Examiner, Rule 120 B of the Procedural Rules, 5 VAC 5-20-120, provides in part that:

Upon the motion of any party or the staff, or upon the hearing examiner’s own initiative, the hearing examiner may certify any other material issues to the commission for its consideration and resolution.

The granting of a motion to certify turns on whether a material issue has been raised by the Motion to Modify for the Commission’s consideration and resolution. Although not specifically defined by Rule 120 B, a material issue has been deemed an issue that “has a direct bearing on the . . . conduct of the case.”⁶

13. Because the Motion to Modify seeks a modification to the Commission’s prior assignment of all further proceedings to the Hearing Examiner, pursuant to Rule 120, the Company is requesting the Hearing Examiner to certify the Motion to Modify to the Commission. This will enable the Commission to issue an Order modifying the Procedural

⁶ *Application of Virginia Electric and Power Company d/b/a Dominion Virginia Power for a certificate of public convenience and necessity for facilities in Loudon County: Beaumeade-Beco 230kV Transmission Line and Beaumeade-Greenway 230kV Transmission Line*, Case No. PUE-2001-00154, Hearing Examiner’s Ruling at 2 (Aug. 16, 2001).

Order to direct that the Hearing Examiner would be appointed to rule on all discovery matters that arise during the course of the proceeding, and that the Commission would preside over the evidentiary hearing.

14. As discussed more fully above, it is in the public interest to have a more expedited decision in this matter than the Hearing Examiner process allows. Determining as efficiently and expeditiously as possible whether the Company will be able to offer a 100 percent renewable energy tariff is of benefit to customers, the Company, and CSPs. Therefore, the Motion to Modify and the issues raised therein have a direct bearing on the conduct of the case and should be certified to the Commission for its expedited consideration.

WHEREFORE, for the reasons set forth above and for good cause shown, the Company respectfully requests that the Commission issue an order modifying the Procedural Order to allow for expedited consideration of this matter, such that the November 21, 2019, hearing will be before the Commission instead of the Hearing Examiner. Further, the Company respectfully requests and moves the Honorable Hearing Examiner to certify the Motion to Modify and the issues raised therein to the Commission for its expedited consideration and resolution, and for such other relief as deemed necessary and appropriate.

Respectfully submitted,

By: 
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Counsel for Virginia Electric and Power Company

October 8, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October 2019, a true and accurate copy of the foregoing filed in Case No. PUR-2019-00094 was delivered by hand, email or mail first class postage pre-paid to the following:

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